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CURRENT DECISIONS

ALIENS—NATIONALITY—EXPATRIATION.—The petitioner, a French citizen, born in 1878, had completed his active military service in France. By law he automatically passed into the reserve army in 1902 and into the territorial army in 1912. In 1903 he removed to Switzerland and became naturalized there in 1909, without having obtained the consent of the French Government. The French law provides that such consent is necessary for expatriation up to the time a Frenchman passes into the territorial army. The petitioner was called into the French army in 1915, and claimed to be no longer a French citizen on the ground that at least after 1912, when by law he passed into the territorial army, governmental consent to expatriation became unnecessary. *Held*, that his expatriation was void *ab initio* and that the defect was not cured by the fact that after 1912 he could have expatriated himself by naturalization abroad without the French Government's consent. *In re Coutarel* (Tribunal Civil des Sables d'Olonne, May 30, 1916), reported in (1917) 44 CLUNET, 188.

BANKRUPTCY—PREFERENCES—RECORDING WITHIN FOUR MONTHS' PERIOD.—As security for a contemporaneous loan the debtor executed a mortgage upon his stock of merchandise at Macon, Georgia, on February 16, 1914. The mortgage was not recorded until August 20, 1914, at a time when the mortgagee knew of the debtor's insolvency. The following day an involuntary petition in bankruptcy was filed against the debtor. Recording was not fraudulently delayed and prior thereto no other liens were fixed upon the property. The local statute (Ga. Code 1910, sec. 3260) imposed the requirements of recording only in favor of a creditor who fixes a lien upon the property before the recording takes place. The trustee in bankruptcy sought to avoid the mortgage as a preferential transfer by virtue of sections 60b and 47a of the Bankruptcy Act, as amended. *Held*, that the mortgage was valid, since no one concerned in the distribution of the estate held rights superior to the mortgage prior to its record. *Martin v. Commercial Nat. Bank* (1918) 38 Sup. Ct. 176.

While previous decisions of the Supreme Court had foreshadowed this decision, it is satisfactory to have the precise point determined by the court of final authority.

CONFLICT OF LAWS—JURISDICTION FOR DIVORCE.—A German subject had married a French woman in France in 1911, where the matrimonial domicile was located. On the outbreak of war, he deserted her to join the armies of Germany. The woman brought an action for divorce in France. According to the law of Germany and of France, she became a German subject by marriage. The court appeared uncertain whether the case should be governed by the Hague Convention of June 12, 1902 (in force in Germany but abrogated in France), and whether under that Convention jurisdiction in divorce was concurrent between the courts of the country of nationality and those of the domicile or was vested solely in the national courts, provided the law of the nationality excluded the jurisdiction of the courts of the matrimonial domicile. *Held*, that the French courts of the place where the marriage was celebrated and of the matrimonial domicile would assume jurisdiction (without examining whether the German law excludes the jurisdiction of the courts of the matrimonial domicile, or whether there were courts in Germany competent